

## COASTAL CONSERVANCY

Staff Recommendation  
October 23, 2003

### DUTRA RANCH ACQUISITION

File No. 03-128  
Project Manager: Mary Small

**RECOMMENDED ACTION:** Authorization to disburse up to \$500,000 to the Muir Heritage Land Trust to acquire the 158-acre Dutra Ranch, near Martinez in Contra Costa County.

**LOCATION:** The Dutra Ranch is located along the Franklin Ridge, near Martinez in unincorporated Contra Costa County. The property includes Contra Costa County APNs: 326-160-002 and 326-160-003.

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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#### **EXHIBITS**

- Exhibit 1: Project Map
  - Exhibit 2: Regional Properties
  - Exhibit 3: Photographs
  - Exhibit 4: Letters of Support
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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31116, 31160-31164, and 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Muir Heritage Land Trust for the acquisition of the Dutra Ranch in Contra Costa County (APN# 326-160-002 and 326-160-003), as shown in Exhibit 1 of the accompanying staff recommendation.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Muir Heritage Land Trust shall:
  - a. Submit for the review and written approval the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents, including but not limited to, the appraisal, option, agreement of purchase and sale, escrow instructions, documents of title and environmental inspection documents; and

- b. Provide evidence to the Executive Officer that all other funds necessary for this acquisition have been obtained.
2. The property interests acquired under this authorization shall be managed and operated in a manner consistent with the purposes of habitat, agricultural preservation, open-space protection, resource enhancement and restoration, and outdoor public recreational use, and shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b) through an instrument acceptable to the Executive Officer.
3. Any future transfer of this property shall be subject to the approval of the Executive Officer and any funds generated from such a transfer in excess of the grantee's costs, up to the total amount disbursed pursuant to this authorization, shall be repaid to the Conservancy.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property, or in a nearby location approved by the Executive Officer, a sign whose design and wording has been approved by the Executive Officer.
5. Muir Heritage Land Trust shall execute an agreement under Government Code Section 831.5 regarding nondiscriminatory public access and tort immunity. ”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31116, 31160-31164 and 31400 *et seq.*
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Muir Heritage Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.
4. The project serves greater than local need.”

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## **PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize disbursement of up to \$500,000 to the Muir Heritage Land Trust (MHLT) to acquire the 158-acre Dutra Ranch, near Martinez in Contra Costa County. If approved, the MHLT hopes to complete acquisition of fee title to the 158-acre property by March 2004. MHLT plans to continue the current agricultural use of dry land grazing and will also seek to enhance the resources on the property, including the oak woodlands, chaparral, seasonal wetlands, and riparian corridors.

As shown in Exhibit 2, Dutra Ranch is located between two properties already owned by the Muir Heritage Land Trust, Gustin Ranch and Sky Ranch. Acquisition of this property will result in the protection of 660 acres of contiguous open space along the Franklin Ridge in northern Contra Costa County. About one mile of the proposed alignment of the Bay Area Ridge Trail crosses these properties.

The Dutra family has owned this land since 1917 and the family approached the MHLT about buying their property because they wanted to preserve it as open space. The owner has entered into an option agreement with Muir Heritage Land Trust. Under the terms of this agreement, MHLT will complete the acquisition in early 2004. In March 2003, the Conservancy staff reviewed and approved an appraisal that established the value of the property at \$790,000.

The Muir Heritage Land Trust is a nonprofit 501(c)(3) organization dedicated to the preservation of undeveloped lands that provide a buffer between the cities and suburbs of Contra Costa County. MHLT was founded in 1988 by a diverse group of citizens concerned with preserving natural resources. Today, MHLT has about 1,400 members. The Land Trust owns and manages about 500 acres.

**Site Description:** The 158-acre Dutra Ranch is located near Martinez in Contra Costa County. It is a hilly property covered with oak woodlands, scrub, and north-facing chaparral vegetation (Exhibit 3). Because the Dutra Ranch straddles the Franklin Ridge, it includes the headwaters of two watersheds, Alhambra Creek in Martinez and Rodeo Creek into Hercules. As shown in Exhibit 2, the property is part of an important habitat corridor connecting larger blocks of protected lands owned by the East Bay Regional Park District and the East Bay Municipal Utility District.

The Dutra Ranch provides habitat for native and special-status species of plants and animals. The entire Franklin Ridge has been designated as critical habitat for the Alameda whipsnake by the U.S. Fish and Wildlife Service. The mosaic of native vegetation on the Dutra Ranch, including large patches of scrub vegetation, provides suitable habitat for the Alameda whipsnake. A recent study documented California red-legged frog and western pond turtle within the riparian creek corridors on the Dutra Ranch. The property also provides habitat suitable for golden eagle, Cooper's and sharp-shinned hawks. Endangered peregrine falcons have been found along the ridgelines and long-eared owls frequent the ravines on the property.

**Project History:** In 2000, the Coastal Conservancy contributed \$100,000 to the Muir Heritage Land Trust to help acquire the 80-acre Gustin Ranch, adjacent to Dutra Ranch to the northwest. In 2002, the Bay Area Conservancy program worked with partner organizations to identify regional priorities for land conservation around the Bay Area. Franklin Ridge was identified as an important area for conservation of agricultural land, scenic viewshed protection, and upland habitat values.

The Conservancy is a major partner helping to implement the Bay Area Ridge Trail. In 2000, the Conservancy authorized a second grant of \$3.4 million dollars to help implement the Ridge Trail. Conservancy funding for planning and project implementation has helped to complete more than 60 miles of new trail. This project will purchase property to secure the trail alignment, helping to complete additional sections of this important regional trail.

#### **PROJECT FINANCING:**

##### **Acquisition**

Coastal Conservancy	\$500,000
Coastal Conservancy, Ridge Trail*	100,000
Wildlife Conservation Board	<u>190,000</u>
<b>Total Acquisition Cost</b>	<b>\$790,000</b>

**Stewardship**

Private Donations	\$ 34,000
Strong Foundation	5,000
Anticipated Foundation Grants	<u>86,000</u>
<b>Total Stewardship Cost</b>	<b>\$125,000</b>

The anticipated source of funds for this authorization is the FY 02/03 appropriation of the “Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002” (Proposition 50) for the San Francisco Bay Area Conservancy Program. This project is consistent with Proposition 50 because it protects watershed lands draining to the San Francisco Bay.

\* In December 2000, the Conservancy authorized use of \$3,427,800 in Proposition 12 bond funds for the Bay Area Ridge Trail, subject to further Conservancy approval of specific projects. The source of funding for the December 2000 authorization was a specific line item in the Conservancy’s 2000/01 budget for development of the Bay Area Ridge Trail by the Bay Area Ridge Trail Council. In June 2003 the Conservancy approved a Ridge Trail project to acquire properties along the proposed alignment of the Ridge Trail. This project is one of the specific acquisitions approved by the Conservancy.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed project is consistent with the provisions of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31164, which states that the Conservancy may award grants in the nine-county San Francisco Bay area that help to achieve various goals. Specifically, §31162(b) authorizes the Conservancy to work on projects that protect natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resource of regional importance.

The proposed project will acquire real property that will help complete the Bay Area Ridge Trail. Completion of the Ridge Trail is consistent with the provisions of §31162(a) which authorizes the Conservancy to improve public access “to and around the bay, coast, ridgetops, and urban open space. . . .”

The project is consistent with the provisions of §§31400 *et seq.* regarding public access. The Bay Area Ridge Trail will link in many places with the San Francisco Bay Trail and the California Coastal Trail systems. Providing funds for the completion of the Ridge Trail is therefore consistent with §31400, which states legislative intent that the Conservancy play a principal role in implementing a system of public accessways “to and along the state’s coastline, including San Francisco Bay.” It is also consistent with §31400.2, which enables the Conservancy to provide funding for acquisition of interests in land to help develop this system of accessways.

Consistent with §31163, the Conservancy and our local and regional partners have identified regional priority areas for protection. This project is on the Franklin Ridge, within one of those priority areas. The project is consistent with §31163(a) because the property is being acquired from willing sellers. This project also meets the criteria established in §31163(d) as follows: it helps implement an adopted regional plan, the Briones Hills Agricultural Preserve agreement; it serves a regional constituency by protecting important habitat resources and through the comple-

tion of the Ridge Trail; it can be implemented in a timely way; and finally matching funds are being provided, including private funds to pay for long-term site stewardship.

**CONSISTENCY WITH CONSERVANCY'S  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10 Objective A** of the Conservancy's Strategic Plan, the proposed project will acquire 158 acres of uplands. The property includes habitat for special status species and the headwaters of two creeks.

Consistent with **Goal 11 Objective B**, the proposed project will help implement approximately one mile of the Bay Area Ridge Trail.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Muir Heritage Land Trust has obtained significant public support for this project. Over 1000 individual donors have contributed more than \$30,000 to help the Land Trust pay for the long-term stewardship of the property. In addition, MHLT has received a grant from the Strong Foundation and members of the Las Lomas High School Save Our Forest Club raised close to \$1000 for the acquisition. The Martinez Horseman's Association will host a trail ride to raise money for the Dutra Ranch acquisition and Bay Area Barns and Trails has committed to matching the funds raised at that event. In addition, the project is supported by Senator Torlakson and Assembly representative Canciamilla. Letters of support are attached as Exhibit 4.
4. **Location:** The Dutra Ranch is located near Martinez in unincorporated Contra Costa County, within the jurisdiction of the Bay Area Conservancy Program.
5. **Need:** Conservancy funding is needed to complete the acquisition in the time allotted under the option agreement
6. **Greater-than-local interest:** This project is regionally significant because it will protect critical habitat for a number of special status species. Acquisition of this property will also protect regionally significant scenic resources along the ridge above the Carquinez Strait. Finally, the acquisition will result in the protection of approximately one mile of proposed alignment of the Bay Area Ridge Trail.

### **Additional Criteria**

8. **Resolution of more than one issue:** As described above, this project will protect habitat, scenic resources and protect one mile of the proposed alignment of the Ridge Trail. The proposed alignment of the Ridge Trail follows an abandoned County Road right of way. If the Dutra Ranch were developed, the owners would have the right to pave the county road as an accessway to the property. If the road were needed as a driveway, it would not be able to serve as the alignment of the Ridge Trail. The Dutra Ranch is the only property that could potentially need the county road for access; thus its acquisition will also protect the future use of the county road as a multi-use trail.
12. **Readiness:** The Muir Heritage Land Trust has a signed purchase agreement with the land-owner. Under the terms of that agreement, the MHLT needs to complete the acquisition by spring of 2004. With this authorization, most of the acquisition funds will be secure. The project will be recommended to the Wildlife Conservation Board at its November meeting.
13. **Realization of prior Conservancy goals:** See the “Project History” section above.
15. **Cooperation:** As discussed above, the MHLT has received support from many individuals, foundations, and local community organizations.

### **CONSISTENCY WITH LOCAL PLANS:**

In 1987, the Contra Costa Board of Supervisors, in an agreement with surrounding municipalities, designated the 60,000-acre Briones Hills Agricultural Preserve as an area for open space and agricultural protection. Contra Costa County and the Cities of Richmond, Hercules, Martinez, and Lafayette have incorporated the Briones Hills Agricultural Preserve in the open space element of their respective General Plans. The Dutra Ranch is within the preserve area and this acquisition will help implement the Briones Hills Agricultural Preserve agreement.

The 1997 East Bay Regional Park District Master Plan states that completing missing sections of the Bay Area Ridge Trail is one of their main priorities for the next decade. This project will protect approximately one mile of the proposed alignment of the Bay Area Ridge Trail.

### **COMPLIANCE WITH CEQA:**

Land acquisition for the purpose of preserving the land in its natural condition and providing public access is categorically exempt from the California Environmental Quality Act (CEQA), under 14 Cal. Code of Regulations Section 15313, Acquisition of land for wildlife conservation purposes; §15325, Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions; and §15316, Transfer of Ownership of Land in Order to Create Parks. Upon approval, staff will file a Notice of Exemption for this project.